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EXAMINER

HIJAZ, OMAR F

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

The Amendment filed on December 2, 2008 has been entered. Claims 1-9 have been amended. Therefore, claims 1-9 are pending in the application.

Response to Amendment

1. The previous drawing objections are withdrawn in light of Applicant's amendments.
2. The previous claim objections are withdrawn in light of Applicant's amendments.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 7, and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, at lines 6-7, the recitation "and the side fastening bolt is connected to the side panel, the upright portion of the L-shaped fixed member and the side steel lining plate together" is jumbled and unclear. In addition, the recitation "the side panel" lacks antecedent basis.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Pub. No. 2005/0193680) in view of Catulle (U.S. Patent No. 3,673,674) and further in view of Watanabe (JP Patent No. 11101072A).

As per claim 1, Wang teaches an insertion assembly for of door and window frames (frame structure for window frame; abstract), comprising a side frame (side frame 10; figure 4A below) and a transverse frame (transverse frame 10; figure 4A below) disposed perpendicularly thereto (as illustrated, the side and transverse frames are perpendicular; figure 4A below), wherein an L-shaped fixed member (L-shaped fixed member 30; figure 4A below) is provided as a connection portion of the side frame and the transverse frame (as illustrated, the L-shaped member is a portion which connects the side and transverse frames; figure 4A below), a side fastening bolt (40) is provided to pass through a through hole at an upright portion of the L-shaped fixed member (as illustrated, bolt 40 passes through a hole in an upright portion of the L-shaped fixed member; figure 4A below), and a transverse fastening bolt is provided passing through a through hole at a transverse portion of the L-shaped fixed member (as illustrated, another bolt 40 passes through a hole in a transverse portion of the L-shaped fixed member; figure 4A below).

Wang fails to disclose a side fastening panel.

Catulle discloses a method for joining framing sections including bolts 12 utilized to connect a side fastening member (fitting elements; figure 7).

Therefore from the teaching of Catulle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the framing

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assembly of Wang to include fitting elements on the outside of the side and transverse frames as taught by Catulle in order to provide a more sound structure.

In addition, Wang fails to disclose that the L-shaped portion is at the outside of the side and transverse frames.

Watanabe discloses framing elements with a transverse frame and a side frame (members 11-12; figure 6) whereby an L-shaped connecting member is secured to the outside of the side and transverse frames (figure 6).

Therefore from the teaching of Watanabe, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the framing assembly of Wang to include an L-shaped member on the outside of the side and transverse frames as taught by Watanabe in order to further secure the components together.

7. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (U.S. Pub. No. 2005/0193680) in view of Catulle (U.S. Patent No. 3,673,674), in view of Watanabe (JP Patent No. 11101072A), and further in view of Kern (U.S. Patent No. 3,828,516).

As per claim 2, the Wang, Catulle, and Watanabe combination fails to disclose pins are provided at the transverse portion of the L-shaped fixed member and holes are provided at a surface of the side frame opposite to the transverse portion to receive the pin.

Kern discloses a frame or sash bar of a window or door (abstract) with pins (8) located in an intermediate support portion and corresponding holes which are located in a side frame member (figure 4A below).

Therefore from the teaching of Kern, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame assembly of with the L-shaped member of the Wang, Catulle, and Watanabe combination to include a pin and hole configuration as taught by Kern in order to further provide support for the assembly (col. 3, lines 23-25).

As per claim 3, Wang teaches two holes in the side frame (figure 4A below), a side lining panel within the side frame (as illustrated, a side lining panel is located within the side frame; figure 4A below); and the side fastening bolt is connected to the side frame, the upright portion of the L-shaped fixed member, and the side lining plate together (as illustrated, the bolt connects the side frame, the L-shaped member, and the side lining member together; figure 4A below).

Wang fails to disclose the side lining panel and a side fastening panel are sandwiched between the side frame and the L-shaped fixed member, the side fastening panel is sandwiched between the side lining panel and the L-shaped fixed member.

Catulle discloses a method for joining framing sections including bolts 12 utilized to connect a side fastening member and a transverse member (fitting elements; figure 7). And Watanabe discloses framing elements with a transverse frame and a side frame (figure 6) whereby an L-shaped connecting member is secured to the outside of the side and transverse frames (figure 6).

Therefore from the teachings of Watanabe and Catulle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the framing assembly of Wang such that the side lining panel and a side fastening panel are sandwiched between the side frame and the L-shaped fixed member, and the side fastening panel is sandwiched between the side lining panel and the L-shaped fixed member as this arrangement of the elements could transpire with the combination in order to provide a secure means of engagement between the elements.

In addition, Wang fails to disclose the transverse lining member is made of steel. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to make the transverse lining member from steel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In *re* Leshin, 125 USPQ 416. It is also common knowledge to choose a material that has sufficient strength, durability, flexibility, hardness, etc. for the application and intended use of that material. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wang to utilize a steel transverse lining member in order to provide more durability.

As per claims 4, 6, and 7, Wang teaches at a lower portion of the transverse frame is formed a rectangular slot (as illustrated, there is a rectangular slot in the transverse frame; figure 4A below) in which a hollow transverse lining member is provided (as illustrated, a transverse lining member is adapted to fit in the rectangular slot; figure 4A below), lower ends of the side walls of the slot are engaged to lower

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extended ends of the transverse lining member (as illustrated, the side walls of the rectangular slot are engaged with the transverse lining member; figure 4A below).

Wang fails to disclose a transverse fastening panel is provided within the hollow transverse lining member and the transverse fastening bolt is connected to the transverse fastening panel.

Catulle discloses a method for joining framing sections including bolts 12 utilized to connect a side fastening member and a transverse member (fitting elements; figure 7).

Therefore from the teaching of Catulle, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the framing assembly with the transverse lining member of Wang to include fitting elements as taught by Catulle within the lining member and secured by the bolt in order to provide a more sound structure.

In addition, Wang fails to disclose the transverse lining member is made of steel. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to make the transverse lining member from steel, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. It is also common knowledge to choose a material that has sufficient strength, durability, flexibility, hardness, etc. for the application and intended use of that material. Therefore, it would have been obvious to one having ordinary skill

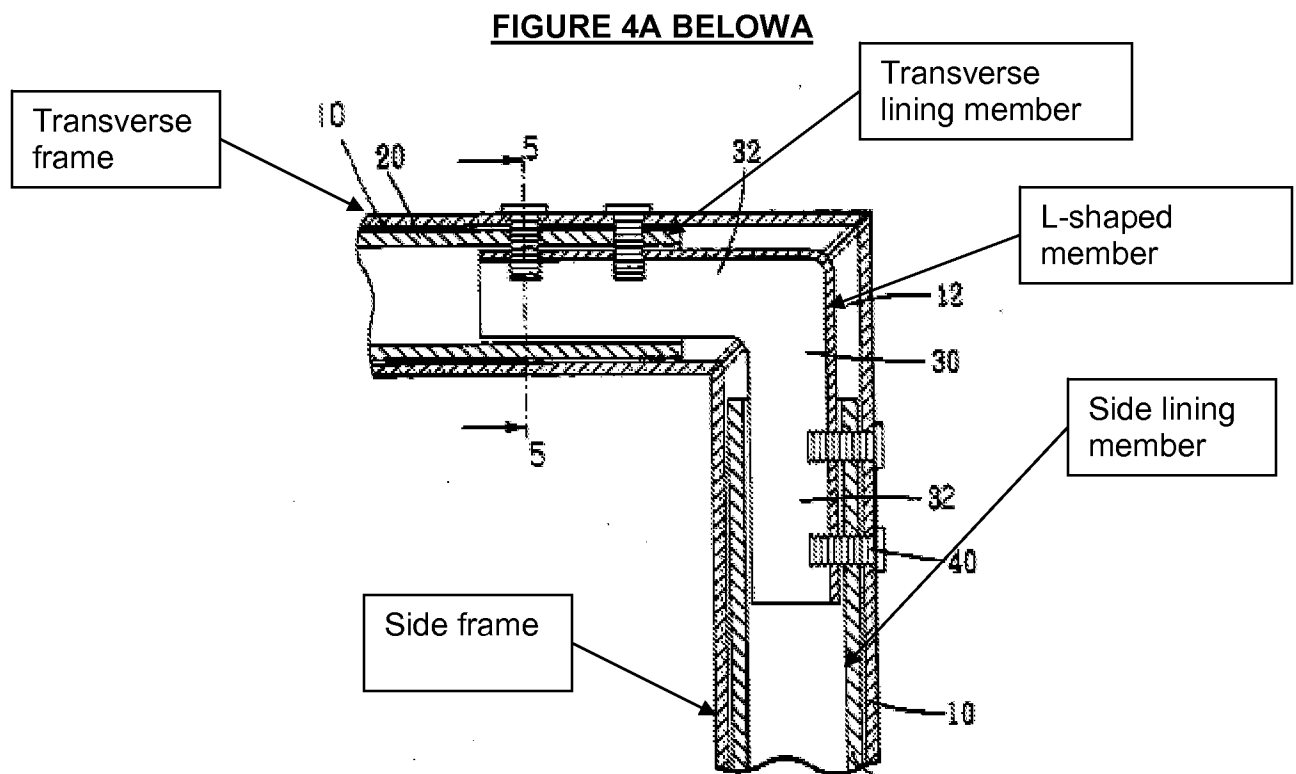
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in the art at the time the invention was made to modify Wang to utilize a steel transverse lining member in order to provide more durability.

As per claims 5, 8, and 9, the Wang, Catulle, and Watanabe combination fails to disclose positioning pins are formed at an upper surface of the transverse portion of the L-shaped fixed member, and positioning holes into which the positioning pins can be inserted are provided at the transverse steel lining-plate member.

Kern discloses a frame or sash bar of a window or door (abstract) with pins (8) located in an intermediate support portion and corresponding holes which are located in a side frame member (figure 4A below).

Therefore from the teaching of Kern, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the frame assembly with the L-shaped member of the Wang, Catulle, and Watanabe combination to include a pin and hole configuration as taught by Kern in order to further provide support for the assembly (col. 3, lines 23-25).



Response to Arguments

8. Applicant's amended claims and arguments have been considered but are moot in view of the new ground(s) of rejection. New references Wang (U.S. Pub. No. 2005/0193680) in view of Catulle (U.S. Patent No. 3,673,674) and further in view of Watanabe (JP Patent No. 11101072A) have been added to overcome the newly added limitations and arguments. Applicant argues that the corner key of previous reference Schmidt cannot be modified to move its corner key to the outside of a connection portion, however the new reference Watanabe discloses a connector which is capable of being placed on the outside of framing elements.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fragopoulos (WO 02/075093 A1) discloses a corner key for a door and window frame, with a multi-component support members.

Chou (U.S. Patent No. 5,671,580) discloses a frame assembly with an L-shaped bracket member, which connects two side and transverse members.

Sayer (U.S. Patent No. 4,831,804) discloses a window frame apparatus with an L-shaped connecting member connecting two frame members.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-

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5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m.
(alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633